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Filed  
Sept. 7, 2007

10 Attorneys for POTENTIAL WITNESS

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF LOS ANGELES

13 In re Marriage of:

14 Petitioner: BRITNEY SPEARS

15 and

16 Respondent: KEVIN FEDERLINE

CASE NO: BD 455 662

EX PARTE APPLICATION FOR  
ORDER PERMITTING WITNESS  
TO TESTIFY ON SEPTEMBER 17,  
2007 WITHOUT FILING  
DECLARATION; MEMORANDUM  
OF POINTS AND AUTHORITIES;  
DECLARATION OF GLORIA  
ALLRED; DECLARATION OF  
MARY ANN GULUZZA;  
PROPOSED ORDER

Date: September 7, 2007  
Time: 8:30 a.m.  
Dept.: 88

FILED CONDITIONALLY  
UNDER SEAL

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Therefore, I ask the Court, on his behalf, to allow him to testify without first filing a

[REDACTED]

**is not merely procedural in nature, the witness must testify from the stand**

Just this year, the California Supreme Court recognized the propriety of live testimony is a

“Although some informality and flexibility have been accepted in marital dissolution proceedings, such proceedings are governed by the same statutory rules of evidence and procedure that apply in other civil actions.... It is well established, however, that declarations constitute hearsay and are inadmissible at trial, subject to specific statutory exceptions, unless the parties stipulate to the admission of the declarations or fail to enter a hearsay objection. (citations omitted) The law provides specific exceptions to the general rule excluding hearsay evidence... But there is no general statutory exception to the hearsay rule for contested marital dissolution *trials*.... Another statutory exception to the hearsay rule permits courts to rely upon affidavits in certain *motion* matters. (Code Civ. Proc, § 2009.) Although affidavits or declarations are authorized in certain motion matters under Code of Civil Procedure section 2009, this statute does not authorize their admission at a contested *trial* leading to judgment.... As this court explained in *Lacrabere, supra*, 141 Cal. 554, 75 P. 185, Code of Civil Procedure section 2009 ‘has no application to the proof of facts which are directly in controversy in an action. It was not intended to have the effect of changing the general rules of evidence by substituting voluntary *ex parte* affidavits for the testimony of witnesses. The section only applies to matters of procedure-matters collateral, ancillary, or incidental to an action or proceeding-and has no relation to proof of facts the existence of which are made issues in the case, and which it is *necessary to establish to sustain a cause of action*’.” (emphasis in original)

The *Reifler vs. Superior Court*, 39 Cal.App.3d 479, 114 Cal.Rptr. 356 (1974) case, often

1 affidavit is not admissible to prove a fact necessary to a judgment." 39 Cal.App.3d at 484, 114  
2 Cal.Rptr. at 358. The *Reifler* court went on to note that "The trial court, while empowered to  
3 exclude oral testimony, also is vested with discretion to receive it. (citations omitted) There are  
4 situations in which the trial judge, in the exercise of that discretion, properly should hear testimony  
5 or permit cross-examination of a declarant." 39 Cal.App.3d at 485, 114 Cal.Rptr. at 359.

6 (B) In the family law setting, as in the civil setting, a non-party may seek a  
7 protective order.

8 "If the burden of compliance was oppressive, however, a nonparty witness could seek a  
9 protective order under Code of Civil Procedure section 2019, subdivision (b)(1), which  
10 empowered the court "[To] make any other order which justice requires to protect the party or  
11 witness from annoyance, embarrassment, or oppression." In *re Marriage of Stephens*, 156  
12 Cal.App.3d 909, 913, 203 Cal.Rptr. 331, 334 (1984).

13 (C) The interests of justice compel issuance of the order sought in this application.

14 The interest of justice in this matter would require [REDACTED]  
15 [REDACTED]

16 CONCLUSION

17 For the foregoing reasons, it is respectfully submitted that our client, the potential witness  
18 in this matter, be permitted to take the stand for his testimony, subject to cross-examination and  
19 that he not be required to submit a declaration in advance of such testimony.

DECLARATION OF GLORIA ALLRED

I, GLORIA ALLRED, do hereby declare and state as follows:

1. I am an attorney duly licensed to practice in all the courts in the state of California.

2. I represent a witness in this case who prefers at this time to remain anonymous due to concerns about his privacy.

3. The witness [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

4. As the counsel for the witness, I am prepared, at the Court's request, to make an offer of proof as to the areas the witness can testify to.

5. My client has indicated that it is important to him to remain anonymous until such time as he testifies in court and that he does not wish to sign a declaration, but rather wishes to appear and give testimony in court on September 17th. He is very concerned that any declaration that he may provide in this matter will be leaked to the press. As noted in the attached articles there have been a number of leaks in this case even though the files have been sealed. My client does not wish to have his privacy compromised in that regard by having the contents of a declaration that he has filed made public. He is also concerned about his safety and the safety of his family including his children, ages 2 and 7.

6. If the Court requires a declaration from my client, then I am concerned that my client may decline to give one, [REDACTED]  
[REDACTED]

7. If the Court requires a declaration and he does decide to do one, and the contents of the declaration are leaked prior to his testimony and his identity becomes known, then I am concerned that my client will feel intimidated and may not be willing and/or able to testify at all  
[REDACTED]  
[REDACTED]

///

8. I am therefore requesting that the Court allow my client to appear in person on the 17<sup>th</sup> of September and testify concerning his knowledge [REDACTED] without having to first submit a declaration to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

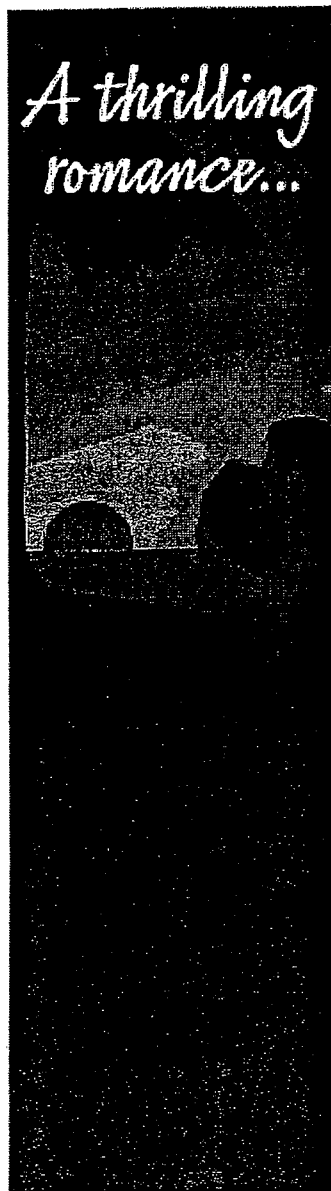
Executed at Los Angeles, California on this 16 day of September, 2007.

~~GLORIA ALLRED~~

# NEW YORK POST

## BRITNEY'S EX ISN'T WORTH A FED CENT

By LAURA ITALIANO



August 31, 2007 — Pop-tard Britney Spears makes \$737,868 a month - while K-Fed earns zilch, according to the latest documents in the fractured couple's kid custody battle.

Spears "is clearly the moneyed party in this case," Kevin Federline's lawyer writes in papers filed Monday in Los Angeles and obtained yesterday by The Post.

Federline is hoping to win 70/30 custody of their children - and commensurate child support - from Spears. For now, though, his lawyers merely want \$150,000 toward legal bills.

[Click Here For A Photo Gallery OF Brit And K-Fed](#)

[Click Here For A Flashback OF Britney Spears](#)

He's broke, his lawyers admit in the filing - his income totaling zero after business expenses, despite the \$20,000 a month in spousal support Spears is already forking over. AA

Those monthly payments stop on Nov. 15, the papers note.

Federline's papers also demand that Spears stop stalling and pick a date to be grilled by his lawyers. The deposition needs to happen quickly, the lawyers argue - in advance of their next hearing date of Sept. 17.

Spears skipped her previous deposition appointment, for Aug. 20, because her lawyer went on vacation, the papers say.

"I must insist that you contact me to immediately schedule the first available date for commencement of Britney's deposition," K-Fed's lawyer, Mark Kaplan, wrote Spears' legal team the day after she skipped her appearance.

Already on tap for deposition by Team K-Fed are Spears' assistant, "designated sober companion," former business manager, bodyguard, assistant and nanny.

The filing also accuses Spears of stonewalling Federline's demands for the names of her current nannies, assistants and bodyguards.

*Additional reporting by Terry Schermerhorn*

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## Motion seeks to unseal Spears documents

LOS ANGELES (AP) — A court commissioner said Tuesday he would consider a motion by a magazine and a TV station to unseal documents in the Britney Spears-Kevin Federline divorce case.

"They're appropriate participants in here," Superior Court Commissioner Scott M. Gordon said of the request by *People* magazine and KNBC, on behalf of the celebrity news show "Access Hollywood."

Spears and Federline weren't present for the hearing. Gordon scheduled another hearing for Sept. 14 to give their attorneys time to make their case for keeping the documents under seal. Spears' divorce from Federline became official July 30.

After the hearing, Federline attorney Mark Vincent Kaplan said the documents contain information about the schedules of the couple's children and other details that could put them in jeopardy.

"It would be best for the children that they not be exposed," Kaplan said.

He gave no specific examples of threats to the children.

Spears attorney Laura Wasser did not address reporters at the courthouse and did not immediately return a phone call seeking comment.

Lawyer Alonzo Wickers, who represents KNBC and *People* magazine, said in an interview that attorneys for the former couple have not been able to prove that their concerns outweigh the public's right of access to court records.

"Celebrities have to meet the same high burden to justify the sealing of court records" as other people, he said.

Since February, Spears, 25, and Federline, 29, have shared joint custody of their sons, 22-month-old Sean Preston and 10-month-old Jayden James.

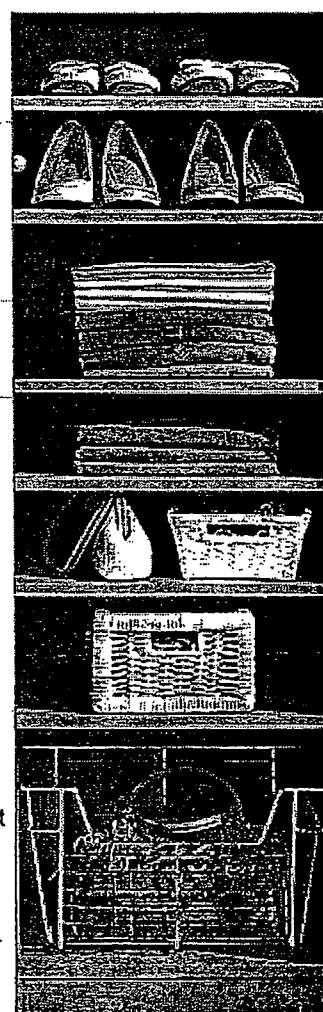
Kaplan said Federline is seeking additional custody because the two boys are "isolated from risks" when they are with his client. He declined to elaborate.

A hearing on the custody modification request is set for Sept. 17.

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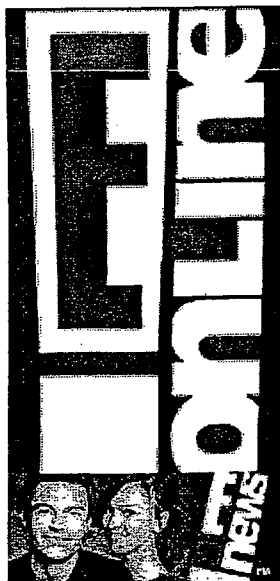
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## Britney and Kevin's Lawyers Get Happy

by Natalie Finn

Print

Kevin Federline seems to have taken his ex-wife's latest single to heart, and family court is listening closely.

In response to Federline's request to "Gimme More," as in more time with his two sons with Britney Spears, a Los Angeles judge has apparently given each side just enough to leave their lawyers smiling for the time being.

Neither Spears' attorney, Laura Wasser, nor K-Fed's counsel, Mark Vincent Kaplan, would comment specifically on what went on Tuesday during a closed-door hearing in L.A. Superior Court, but both said that they were pleased with the outcome.

"He wants as much custody time as he can get," Kaplan told reporters during a quickie news conference outside the courthouse.

Barely a week after a judge signed off on the *Chaotic* couple's divorce, prolonging their joint-custody arrangement, Federline filed for primary physical custody of almost two-year-old Sean Preston and 11-month-old Jayden James, citing his former missus' recent string of reportedly outrageous behavior.

The family court filing was immediately sealed, but Kaplan has confirmed that Federline is seeking additional custody privileges. A hearing on whether certain documents pertaining to their custody dispute should be made public is on the docket for Sept. 14. Kaplan and Wasser said that they both want the records, which a judge sealed on July 30, to remain under wraps.

The kids are "isolated from risks" when they are with their dad, Kaplan said. Federline also has two young children with former flame Shar Jackson.

The next related hearing is scheduled for Sept. 17 and two more have been set for November 26 and Dec. 18 in order to give both sides more time to gather information as they head into the latest leg of their custody battle, which has been brewing since Spears filed for divorce Nov. 6.

Not to mention it's going to take awhile for Spears' side to compile the manpower to match her ex's. Federline's legal team has been serving up a storm, subpoenaing Spears' former manager, Larry Rudolph, as well as her short-term personal assistant, Shannon Funk; pal cum "cousin" Alli Simms; and her bodyguard-turned-manny Daimon Shippen.

Wasser, meanwhile, said that she was informed Tuesday that the L.A. County Department of Children and Family Services had completed its own investigation into Spears' mothering skills, a topic that has provoked endless speculation ever since the "Oops...I Did It Again" singer was spotted driving—with Sean Preston perched on her lap—early last year.

Noting that counsel for the DCFS was not present for today's hearing, Wasser said, "I don't think there was anything for them to appear about...It does not appear the county will pursue any action at this time."

Wasser also told the press that she's determined to find out who complained about her client's conduct to child services in the first place.

In news related to what Spears is up to in her downtime, the pop star's bodyguard, Julio Camera, has been charged with one count of battery for allegedly punching a photographer who was trying to get a picture of Sean Preston at the Wynn Las Vegas on July 26.

Camera is due in court Oct. 12. He is facing up to six months in jail and a \$1,000 fine if convicted.

Shutterbug Andrew Deetz, the man supposedly on the receiving end of Camera's outburst, said in a statement released by his lawyer last month that he's gearing up to sue Spears for allegedly hurling a baby bottle at his fellow paparazzo and shouting "I'm going to kill you!" at him during the scuffle.

Spears also filed a police complaint at the time, stating that Camera was merely acting in her defense after one of the photog's cameras bumped into Sean Preston.

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01/07/07



## Mag says Spears off hook with child services

Plus: Bodyguard charged with battery in Las Vegas incident

Access Hollywood

Updated: 11:23 a.m. PT Sept 5, 2007

LOS ANGELES - Britney Spears may be off the hook with child welfare services, according to a report in People magazine.

✱ "It does not appear the county will pursue any action at this time," the magazine quotes Spears' lawyer, Laura Wasser, as saying at a recent custody hearing for the star.

A complaint was made with child welfare services against Spears, who has two children — Jayden James and Sean Preston. Wasser said she did not know who made the call, "but I am trying to find out," she told the mag.

The Los Angeles County Department of Children and Family Services had no comment on the case, according to People.

Spears is currently involved in a custody battle with the children's father, former backup-dancer-turned-actor Kevin Federline, whom she divorced in July.

✱ During a divorce hearing earlier this summer, Spears and Federline agreed to a 50-50 custody split. In the weeks following the divorce however, K-Fed's lawyer, Mark Vincent Kaplan, filed papers reportedly seeking the custody arrangement be changed to 70-30, in favor of his client.

Since filing the paperwork, Federline's defense team has employed the services of an Israeli style security team, headed up by Aaron Cohen. So far, Cohen's team has delivered subpoenas to Spears former assistant Alli Sims, her one-time bodyguard Daimon Shippen, the singer's former manager Larry Rudolph and rehab facility Promises.

In related news, a bodyguard for Spears, Julio Camera, 37, was charged with misdemeanor battery in Las Vegas for an incident in late July.

As previously reported on AccessHollywood.com, Camera was detained by police following an alleged scuffle between him and two men trying to photograph Spears and her sons at the Wynn Las Vegas hotel casino. Camera was accused of pushing one of the men against the wall in the fracas and grabbing and punching the other.

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**stuff.co.nz**

Tuesday, 4 September 2007

## K-Fed wants Britney to pay legal fees

**Kevin Federline wants Britney Spears to pay the legal fees in their custody battle.**

The aspiring rapper - locked in a bitter fight for sons Sean Preston, 23-months and Jayden James, 11-months - has launched allegations of child abuse against his ex-wife and wants her to foot the bill for all legal costs involved in his action.

Court documents reveal Federline's lawyer Mark Vincent Kaplan believes Spears should pay \$US50,000 for Federline's litigation expenses as she is "clearly the monied party".

Kaplan said in a court declaration on August 26 that while Spears earns an average of \$US737,868 a month, Federline has "no net income" after various expenses, and his monthly spousal support of \$US20,000 ends in November.

The court documents revealed that in his bid to win primary physical custody of their sons Federline's legal team have subpoenaed several of Spears' former and current employees to give evidence against her.

Among those already served with subpoena's are the singer's "designated sober companion" Dr.

Betty Wyman, former nanny Christine Hallet, former assistant Shannon Funk, bodyguard Daimon Shippen and cousin Alli Sims.

Spears' former manager, Larry Rudolph - who has been avoiding Federline's lawyers in an attempt to stay out of the legal battle - was finally served with a subpoena during a visit to a Los Angeles tanning salon yesterday.

The Toxic singer's lawyer attorney Laura Wasser has asked for a continuance on the custody case to give both parties more time to "conduct and complete their discovery."

A decision on this request will be made in court on September 4.

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September 5, 2007

**Via Facsimile: 310-552-1970**

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Attorneys for Kevin Federline  
2049 Century Park E, Suite 2660  
Los Angeles, CA 90067

**Via Facsimile: 310-553-1793**

Dennis Wasser, Esq.,  
Wasser Cooperman Carter  
Attorneys for Britney Spears  
2029 Century Park East, Suite 1200  
Los Angeles, CA 90067-2957

***RE: Case No. BD455662***

Dear Mr. Kaplan and Mr. Wasser:

Please be advised that this office represents a potential witness in the above-referenced case. We believe that this witness [REDACTED]

[REDACTED] We will be appearing ex-parte in Dept. 88, the Honorable Scott Gordon, Commissioner presiding on Friday, September 7 at 8:30am to request that the Court issue an order that permits our client to testify on September 17 without having to first submit a declaration to the Court on September 10, 2007. This motion will be based upon the fact that this witness has concerns about his privacy and about possible leaks of any declaration that he may file with the Court in this high profile case and that he does not wish to have a declaration filed prior to his testimony on September 17 at which time he would be prepared to be cross-examined by either party's attorney.

**EXHIBIT A**

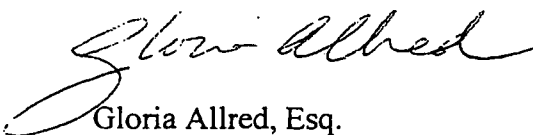
Mr. Kaplan  
Mr. Wasser  
September 5, 2007  
Page 2

Further, any requirement of a declaration and/or leak of one may cause him to feel intimidated and unable to testify at all.

Please let us know in advance of the hearing on Friday whether or not there will be any opposition to this motion.

Very truly yours,

ALLRED MAROKO & GOLDBERG

  
Gloria Allred, Esq.

/ns

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09/05/07

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TIME : 09/06/2007 09:32  
NAME : LAW OFFICES OF AMG  
FAX : 13236531660  
TEL : 13236536530  
SER.# : BROD7J635009

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**NAME:** Mark Kaplan, Esq.  
Dennis Wasser, Esq.

**COMPANY:** Kaplan & Simon  
Wasser Cooperman Carter

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(310) 553-1793

Phone:

**DESCRIPTION:** Letter re Case No. BD455662

**MESSAGE FROM:** Gloria Allred / Nathan Goldberg

**DATE:** September 6, 2007

**TIME:** 9:30 A.M.

**TELECOPY PHONE NUMBER:** (323) 653-4712

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10 Attorneys for POTENTIAL WITNESS

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF LOS ANGELES

13 In re Marriage of:

14 Petitioner: BRITNEY SPEARS

15 and

16 Respondent: KEVIN FEDERLINE

CASE NO: BD 455 662

PROPOSED ORDER

Date: September 7, 2007

Time: 8:30 a.m.

Dept.: 88

FILED CONDITIONALLY  
UNDER SEAL

17  
18 IT IS HEREBY ORDERED that the witness, which is the subject of the ex parte  
19 application, may testify on September 17, 2007 without first having to file a declaration on  
20 September 10, 2007.

21  
22 DATED:

JUDGE, LOS ANGELES SUPERIOR COURT